



March 22, 2005

ENGROSSED SENATE BILL No. 433

DIGEST OF SB 433 (Updated March 21, 2005 8:34 pm - DI 44)

Citations Affected: IC 1-2; IC 4-10; IC 4-15; IC 5-22; IC 10-13; IC 12-12; IC 20-1; IC 20-8.1; IC 20-9.1; IC 20-10.1; IC 20-15; IC 20-16; IC 20-20; IC 20-21; IC 20-22; IC 20-27; IC 20-33; IC 20-35; noncode.

Synopsis: Poet laureate and education matters. Establishes a process for selecting a state poet laureate. Specifies the duties and compensation of the poet laureate. Provides that the person honored as the poet laureate by the house of representatives in 2002 is entitled to serve as the initial poet laureate. Changes the name of the School for the Blind to the School for the Blind and Visually Impaired. Makes certain changes to the qualifications for the superintendents of the School for the Blind and Visually impaired and the School for the Deaf, and changes the title of "superintendent" to "chief executive officer" for each school. Makes technical corrections to conform with the Title 20 recodification.

Effective: July 1, 2005.

Lubbers, Rogers

(HOUSE SPONSORS — BEHNING, KLINKER, DUNCAN)

January 13, 2005, read first time and referred to Committee on Education and Career Development.

February 3, 2005, amended, reported favorably — Do Pass.

February 7, 2005, read second time, ordered engrossed.

February 8, 2005, engrossed. Read third time, passed. Yeas 46, nays 2.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Education.

March 21, 2005, amended, reported — Do Pass.

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ES 433—LS 7311/DI 47+



March 22, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 433

A BILL FOR AN ACT to amend the Indiana Code concerning the arts.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 1-2-12 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2005]:
- 4 **Chapter 12. State Poet Laureate**
- 5 **Sec. 1. As used in this chapter, "commission" refers to the**
- 6 **Indiana arts commission established by IC 4-23-2-1.**
- 7 **Sec. 2. As used in this chapter, "selection committee" refers to**
- 8 **the committee described in section 4 of this chapter.**
- 9 **Sec. 3. The poet laureate of Indiana shall be selected under this**
- 10 **chapter.**
- 11 **Sec. 4. (a) The selection committee consists of the following eight**
- 12 **(8) members:**
- 13 **(1) Seven (7) members selected by the commission who**
- 14 **represent state supported and private institutions of higher**
- 15 **education.**
- 16 **(2) The executive director of the commission.**
- 17 **(b) The president of each of the institutions selected under**

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subsection (a)(1) shall name a faculty member to serve on the selection committee. The faculty member must:

(1) be a member of the fine arts or English department of the institution; and

(2) teach writing.

(c) The executive director of the commission:

(1) is the chair of; and

(2) shall establish the meeting times and dates for; the selection committee.

Sec. 5. The selection committee shall do the following:

(1) Meet on a biennial basis to select the poet laureate.

(2) Determine a method of selecting the poet laureate.

(3) Select a poet laureate not later than December 1 of each odd-numbered year.

(4) Permit a person to be selected as poet laureate even if the person has previously served as poet laureate.

Sec. 6. A person selected as poet laureate serves a two (2) year term that begins January 1 following the poet laureate's selection.

Sec. 7. (a) The poet laureate shall do the following:

(1) Make a formal appearance at schools, including the Indiana School for the Blind and Visually Impaired and the Indiana School for the Deaf, libraries, and other educational facilities.

(2) Offer advice to the commission concerning ways to further the art of poetry in Indiana.

(3) Represent Indiana and the art of poetry to the education community and the public.

(b) The department of education shall assist the poet laureate in scheduling the poet laureate's appearances in educational facilities and at other appropriate events.

Sec. 8. (a) The commission may pay an annual honorarium of two thousand five hundred dollars (\$2,500) to the poet laureate.

(b) The commission may pay a per diem to the poet laureate for each day that the poet laureate makes an appearance under this chapter.

(c) The commission may pay travel expenses to a member of the selection committee unless the member's institution reimburses the member for the expenses.

Sec. 9. All expenses and other payments permitted under this chapter shall be paid from appropriations to or other funds of the commission.

SECTION 2. IC 4-10-15-2, AS AMENDED BY HEA 1288-2005,

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SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The warrants may be drawn for the necessary and current expenses of the following:

- (1) All psychiatric hospitals (as defined in IC 12-7-2-184).
- (2) The Indiana School for the Deaf, established by IC 20-22-2-1.
- (3) The Indiana School for the Blind **and Visually Impaired**, established by IC 20-21-2-1.
- (4) The Indiana Veterans' Home.
- (5) The Plainfield Juvenile Correctional Facility.

SECTION 3. IC 4-15-2-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, ~~Central State Hospital~~, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind **and Visually Impaired**, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children,

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Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 4. IC 5-22-4-8, AS AMENDED BY HEA 1288-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) As used in this section, "board" refers to either of the following:

(1) With respect to the Indiana School for the Blind **and Visually Impaired**, the board established by IC 20-21-3-1.

(2) With respect to the Indiana School for the Deaf, the board established by IC 20-22-3-1.

(b) As used in this section, "school" refers to either of the following:

(1) The Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1.

(2) The Indiana School for the Deaf established by IC 20-22-2-1.

(c) As used in this section, "superintendent" refers to the ~~superintendent~~ **chief executive officer** of the school.

(d) Except as provided in subsection (f), the school is the purchasing agency for the school.

(e) Except as provided in subsection (f), the superintendent is the purchasing agent for the school for purchases with a value of not more than twenty-five thousand dollars (\$25,000).

(f) ~~Not later than October 1, 1999~~; The Indiana department of administration and the board shall develop and implement a written policy for purchases by the school with a value of more than twenty-five thousand dollars (\$25,000).

SECTION 5. IC 10-13-3-38.5, AS AMENDED BY HEA 1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

(1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:

(A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;

(B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the

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standard for harmed or threatened with harm set forth in
IC 12-10-3-2(a)(3);

(C) at a state institution managed by the office of the secretary
of family and social services or state department of health;

(D) at the Indiana School for the Deaf established by
IC 20-22-2-1;

(E) at the Indiana School for the Blind **and Visually Impaired**
established by IC 20-21-2-1;

(F) at a juvenile detention facility;

(G) with the gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under
IC 28-11-2-3; or

(I) that has a job description that includes access to or
supervision over state financial or personnel data, including
state warrants, banking codes, or payroll information
pertaining to state employees.

(2) Identification in a request related to an application for a
teacher's license submitted to the professional standards board
established by IC 20-28-2-1.

An applicant shall submit the fingerprints in an appropriate format or
on forms provided for the employment or license application. The
department shall charge each applicant the fee established under
section 28 of this chapter and by federal authorities to defray the costs
associated with a search for and classification of the applicant's
fingerprints. The department may forward fingerprints submitted by an
applicant to the Federal Bureau of Investigation or any other agency for
processing. The state personnel department or the agency to which the
applicant is applying for employment or a license may receive the
results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged
under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor
of the state if the contract involves the construction or repair of a
capital project or other public works project of the state.

SECTION 6. IC 12-12-9-2 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The office of the
secretary shall, on the first business day of each month, send a copy of
a report filed under section 1 of this chapter to the following persons:

(1) For persons less than seventeen (17) years of age, to the
following:

(A) The Indiana School for the Blind **and Visually Impaired**.

(B) The division of disability, aging, and rehabilitative

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services.

(C) The division of special education of the department of education.

(2) For persons at least seventeen (17) years of age, to the following:

(A) The division of disability, aging, and rehabilitative services.

(B) On request, organizations serving the blind **or visually impaired** and the state department of health.

SECTION 7. IC 12-12-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) On receiving a report under this chapter, the division of disability, aging, and rehabilitative services shall provide information to the visually impaired individual designated in the report concerning available state and local services.

(b) For a visually impaired individual less than seventeen (17) years of age, the Indiana School for the Blind **and Visually Impaired**:

(1) has the primary duty of initially contacting the visually impaired individual or the individual's family; and

(2) shall notify the division of disability, aging, and rehabilitative services and the department of education of the school's findings.

SECTION 8. IC 12-12-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This chapter does not prohibit a physician or an optometrist from making a referral to a local school corporation, an agency, the Indiana School for the Blind **and Visually Impaired**, or an agency or organization working with the blind or visually impaired.

SECTION 9. IC 20-1-6-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) There is created under the Indiana state board of education a division of special education, which shall exercise all the power and duties set out in this chapter. The governor shall appoint, upon the recommendation of the state superintendent of public instruction, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be fixed by the budget agency with the approval of the governor. The duties of the director are as follows:

(1) To have general supervision of all programs, classes, and schools, including those conducted by the public schools, the Indiana School for the Blind **and Visually Impaired**, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and

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addition, for children with disabilities and to coordinate the work of these schools. In addition, relative to programs for preschool children with disabilities as required under section 14.1 of this chapter, the director has general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under section 14.1 of this chapter. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the Indiana state board of education, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent of public instruction and the budget agency, to appoint and fix salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the Indiana state board of education, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the Indiana state board of education concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established under IC 12-17-15 to ensure that the preschool special

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education programs required under section 14.1 of this chapter are consistent with the early intervention services program described in IC 12-17-15.

(b) The director or the Indiana state board of education may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 10. IC 20-1-6-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.1. (a) For the purposes of this section, "comprehensive plan" means a plan for educating all children with disabilities that a school corporation is required to educate under sections 14 through 14.1 of this chapter, and those additional children with disabilities that it elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind **and Visually Impaired** board.

(2) The Indiana School for the Deaf board.

(c) The Indiana state board of education shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent of public instruction a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 14.1 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in section 1 of this chapter, the Indiana state board of education may conduct a program for the early identification of children with disabilities, between the ages of birth and twenty-one (21), not served by the public schools or through a contractual agreement under section 14.1 of this chapter, and may utilize agencies that serve children with disabilities other than the public schools.

(e) The Indiana state board of education shall adopt rules under IC 4-22-2 requiring the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, the Indiana School for the Blind **and Visually Impaired** board, the Indiana School for the Deaf board, and the division of mental health and addiction to submit to the superintendent of public instruction a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special

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1 education.

2 (f) The superintendent of public instruction shall furnish
3 professional consultant services to the school corporations, the
4 department of correction, the state department of health, the division
5 of disability, aging, and rehabilitative services, the Indiana School for
6 the Blind **and Visually Impaired** board, the Indiana School for the
7 Deaf board, and the division of mental health and addiction to aid them
8 in fulfilling the requirements of this section.

9 SECTION 11. IC 20-1-6-16 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The
11 superintendent shall appoint a state advisory council on the education
12 of children with disabilities whose duties shall consist of providing
13 policy guidance concerning special education and related services for
14 children with disabilities. The superintendent shall appoint at least
15 seventeen (17) members who shall serve for a period of four (4) years.
16 Vacancies shall be filled in like manner for the unexpired balance of
17 the term.

18 (b) The members must be citizens of Indiana who are representative
19 of the state's population and selected on the basis of their involvement
20 in or concern with the education of children with disabilities. A
21 majority of the members must be individuals with disabilities or the
22 parents of children with disabilities. Members must include the
23 following:

- 24 (1) Parents of children with disabilities.
- 25 (2) Individuals with disabilities.
- 26 (3) Teachers.
- 27 (4) Representatives of higher education institutions that prepare
28 special education and related services personnel.
- 29 (5) State and local education officials.
- 30 (6) Administrators of programs for children with disabilities.
- 31 (7) Representatives of state agencies involved in the financing or
32 delivery of related services to children with disabilities, including
33 the following:
 - 34 (A) The commissioner of the state department of health or the
35 commissioner's designee.
 - 36 (B) The director of the division of disability, aging, and
37 rehabilitative services or the director's designee.
 - 38 (C) The director of the division of mental health and addiction
39 or the director's designee.
 - 40 (D) The director of the division of family and children or the
41 director's designee.
 - 42 (8) Representatives of nonpublic schools and freeway schools.

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- 1 (9) One (1) or more representatives of vocational, community, or
- 2 business organizations concerned with the provision of
- 3 transitional services to children with disabilities.
- 4 (10) Representatives of the department of correction.
- 5 (11) A representative of each of the following:
- 6 (A) The Indiana School for the Blind **and Visually Impaired**
- 7 board.
- 8 (B) The Indiana School for the Deaf board.
- 9 (c) The responsibilities of the state advisory council are as follows:
- 10 (1) To advise the superintendent and the board regarding all rules
- 11 pertaining to children with disabilities.
- 12 (2) To recommend approval or rejection of completed
- 13 comprehensive plans submitted by school corporations acting
- 14 individually or on a joint school services program basis with other
- 15 corporations.
- 16 (3) To advise the department of unmet needs within the state in
- 17 the education of children with disabilities.
- 18 (4) To provide public comment on rules proposed by the board
- 19 regarding the education of children with disabilities.
- 20 (5) To advise the department in developing evaluations and
- 21 reporting data to the United States Secretary of Education under
- 22 20 U.S.C. 1418.
- 23 (6) To advise the department in developing corrective action
- 24 plans to address findings identified in federal monitoring reports
- 25 under 20 U.S.C. 1400 et seq.
- 26 (7) To advise the department in developing and implementing
- 27 policies related to the coordination of services for children with
- 28 disabilities.
- 29 (d) The council shall organize with a chairperson selected by the
- 30 superintendent and meet as often as necessary to conduct the council's
- 31 business at the call of the chairperson upon ten (10) days written notice
- 32 but not less than four (4) times a year. Members of the council shall be
- 33 entitled to reasonable amounts for expenses necessarily incurred in the
- 34 performance of their duties.
- 35 (e) The superintendent shall designate the director to act as
- 36 executive secretary of the council and shall furnish all professional and
- 37 clerical assistance necessary for the performance of its powers and
- 38 duties.
- 39 (f) The affirmative votes of a majority of the members appointed to
- 40 the council are required for the council to take action.
- 41 SECTION 12. IC 20-1-6-18.2 IS AMENDED TO READ AS
- 42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.2. (a) The Indiana

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state board of education shall adopt rules under IC 4-22-2 which establish limitations on the amount of transportation which may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules shall limit the transportation required by the student's individualized education program to ~~his~~ **the student's** first entrance and final departure each school year plus round trip transportation each school holiday period and two (2) additional round trips each school year.

(b) Whenever a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

(1) The quotient of the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends divided by the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) Whenever a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability, aging, and rehabilitative services;

or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind **and Visually Impaired**;

or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education

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1 program.

2 (d) Whenever a student is placed in a private facility under section
3 19 of this chapter in order to receive a special education because the
4 student's school corporation cannot provide an appropriate special
5 education program, the school corporation in which the student has
6 legal settlement shall bear the cost of transportation required by the
7 student's individualized education program. However, if the student's
8 legal settlement cannot be ascertained, the Indiana state board of
9 education shall bear the cost of transportation required by the student's
10 individualized education program.

11 SECTION 13. IC 20-8.1-4-22 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. The employment of
13 children in the Indiana School for the Deaf and the Indiana School for
14 the Blind **and Visually Impaired** is subject to the general restrictions
15 imposed on child labor under this chapter.

16 SECTION 14. IC 20-9.1-4-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school
18 bus committee is hereby created. The committee shall be composed of
19 the following voting members:

- 20 (1) The state superintendent of public instruction, or the
21 superintendent's authorized representative, who shall serve as
22 chairman of the committee.
- 23 (2) The commissioner of the bureau of motor vehicles, or the
24 commissioner's authorized representative.
- 25 (3) The administrator of the motor carrier services division of the
26 department of state revenue.
- 27 (4) The director of the governor's council on impaired and
28 dangerous driving.
- 29 (5) A school bus driver, appointed by the state superintendent of
30 public instruction upon the recommendation of the Indiana State
31 Association of School Bus Drivers, Inc.
- 32 (6) A superintendent of a school corporation, appointed by the
33 state superintendent of public instruction upon the
34 recommendation of the Indiana Association of Public School
35 Superintendents.
- 36 (7) A member of the governing body of a school corporation,
37 appointed by the state superintendent of public instruction upon
38 the recommendation of the Indiana School Boards Association.
- 39 (8) A representative of the Indiana School for the Blind **and**
40 **Visually Impaired** or the Indiana School for the Deaf, appointed
41 by the state superintendent of public instruction.
- 42 (9) A member of the School Transportation Association of

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1 Indiana, appointed by the state superintendent of public
 2 instruction upon the recommendation of the School
 3 Transportation Association of Indiana.

4 (b) The state superintendent of public instruction shall designate a
 5 secretary from the department of education who shall keep the official
 6 record of the meetings and of official transactions of the committee.

7 SECTION 15. IC 20-10.1-25.3-2.5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. As used in this
 9 chapter, "school corporation" includes, except as otherwise provided
 10 in this chapter, the Indiana School for the Deaf established by IC 20-16
 11 and the Indiana School for the Blind **and Visually Impaired**
 12 established by IC 20-15.

13 SECTION 16. IC 20-10.1-25.3-11 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The department
 15 shall list all school corporations in Indiana according to assessed
 16 valuation for property tax purposes per student in ADM, beginning
 17 with the school corporation having the lowest assessed valuation for
 18 property tax purposes per student in ADM. For purposes of the list
 19 made under this section, the Indiana School for the Deaf and the
 20 Indiana School for the Blind **and Visually Impaired** shall be
 21 considered to have the lowest assessed valuation for property tax
 22 purposes per student in ADM during the six (6) year period beginning
 23 on July 1, 2001.

24 (b) The department must prepare a revised list under subsection (a)
 25 before a new series of grants may begin.

26 (c) The department shall determine those school corporations to be
 27 placed in a group to receive a grant in a fiscal year under this chapter
 28 as follows:

29 (1) Beginning with the school corporation that is first on the list
 30 developed under subsection (a), the department shall continue
 31 sequentially through the list and place school corporations that
 32 qualify for a grant under section 6 of this chapter in a group until
 33 the cumulative total ADM of all school corporations in the group
 34 depletes the money that is available for grants in the fiscal year.

35 (2) Each fiscal year the department shall develop a new group by
 36 continuing sequentially through the list beginning with the first
 37 qualifying school corporation on the list that was not placed in a
 38 group in the prior fiscal year.

39 (3) If the final group developed from the list contains substantially
 40 fewer students in ADM than available money, the department
 41 shall:

42 (A) prepare a revised list of school corporations under

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subsection (a); and

(B) place in the group qualifying school corporations from the top of the revised list.

(4) The department shall label the groups with sequential numbers beginning with "group one".

SECTION 17. IC 20-10.1-25.3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section applies in a year when a school corporation receives a grant under this chapter. The school corporation's capital projects fund budget must include an expenditure for technology that is not less than the school corporation's average annual expenditure for technology from the capital projects fund in the six (6) budget years preceding the year of the grant. If the Indiana School for the Deaf or the Indiana School for the Blind **and Visually Impaired** receives a grant under this chapter, the school's expenditures for technology in the year of the grant must exceed the school's average annual expenditure for technology in the six (6) budget years preceding the year of the grant.

(b) For each year that a school corporation fails to observe subsection (a), the school corporation forfeits a grant under this chapter. The forfeit of the grant shall occur in the first grant year after the school corporation fails to observe subsection (a).

SECTION 18. IC 20-10.1-25.3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. A school corporation that receives a grant under this chapter must deposit the grant in the school technology fund established under IC 21-2-18. If the Indiana School for the Deaf or the Indiana School for the Blind **and Visually Impaired** receives a grant under this chapter, the school must deposit the grant in an account or fund that the school uses exclusively for the funding of technology.

SECTION 19. IC 20-15-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. **"Executive" refers to the chief executive officer of the school appointed under IC 20-15-2-4.**

SECTION 20. IC 20-15-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the Blind **and Visually Impaired** established by IC 20-15-2-1.

SECTION 21. IC 20-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** is established as a state educational resource center that includes the following:

(1) A residential and day school.

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(2) Outreach services.

(3) Consultative services to local educational agencies to assist them in meeting the needs of locally enrolled students with visual disabilities.

SECTION 22. IC 20-15-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~, **chief executive officer**, subject to the approval of the governor. The ~~superintendent~~ **executive** serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent~~ **executive** appointee must have the following qualifications:

(1) Be an educator with knowledge, skill, and ability in the appointee's profession.

(2) Have a minimum of five (5) years of experience in instruction of students with visual **impairment** disabilities.

(3) Have a master's degree or a higher degree.

(4) Meet the qualifications for an Indiana teacher's certificate in the area of visual **impairment** disabilities.

~~(5) Have a superintendent's license or obtain a superintendent's license within two (2) years of appointment by the board.~~

(5) Have at least five (5) years experience supervising other people.

SECTION 23. IC 20-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-15-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

(1) Direction of the education, care, safety, and well-being of all students in attendance.

(2) Evaluation and improvement of the school staff, educational programs, and support services.

(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.

(4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-15-3-10(7).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

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(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 24. IC 20-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs as defined under IC 20-1-6-1; and

(2) the school's admissions criteria adopted by the board under IC 20-15-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 25. IC 20-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 26. IC 20-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

SECTION 27. IC 20-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** board is established.

SECTION 28. IC 20-15-3-10 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall
2 do the following:

- 3 (1) Establish policies and accountability measures for the school.
- 4 (2) Implement this article.
- 5 (3) Perform the duties required by IC 5-22-4-8.
- 6 (4) Adopt rules under IC 4-22-2 to establish criteria for the
- 7 admission of children with visual disabilities, including children
- 8 with multiple disabilities, at the school.
- 9 (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure
- 10 of the board.
- 11 (6) Determine the salary and benefits of the ~~superintendent~~.
- 12 **executive.**
- 13 (7) Adopt rules under IC 4-22-2 required by this article.

14 (b) The board shall submit the school's biennial budget to the
15 department of education, which shall review the proposed budget. As
16 part of its review, the department may request and shall receive from
17 the board, in a form as may reasonably be required by the department,
18 all information used by the board to develop the proposed budget. If,
19 upon review, the department determines that any part of the budget
20 request is not supported by the information provided, the department
21 shall meet with the board at the earliest date possible in order to
22 reconcile the budget request. The department shall submit the
23 reconciled budget to the budget agency and the budget committee.

24 SECTION 29. IC 20-15-4-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section~~
26 ~~applies after March 31, 2000.~~

27 ~~(b)~~ The ~~superintendent executive~~ shall hire directly for those
28 positions as approved by the state personnel department and the board
29 any candidate the ~~superintendent executive~~ considers qualified to fill
30 a position at the school. The state personnel department, in
31 collaboration with the board, shall annually develop a list of job
32 classifications for positions at the school for which the ~~superintendent~~
33 **executive** may fill a vacancy by hiring a candidate for the position
34 based on a search for qualified candidates outside the state personnel
35 hiring list.

36 SECTION 30. IC 20-16-1-4.5 IS ADDED TO THE INDIANA
37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the**
39 **chief executive officer of the school appointed under IC 20-16-2-4.**

40 SECTION 31. IC 20-16-2-4 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall
42 appoint the ~~superintendent~~ **chief executive officer** subject to the

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1 approval of the governor. The ~~superintendent~~ **executive** serves at the
 2 pleasure of the board and may be removed for cause.

3 (b) The ~~superintendent~~ **executive** appointee must have the following
 4 qualifications:

5 (1) Be an educator with knowledge, skill, and ability in the
 6 appointee's profession.

7 (2) Have a minimum of five (5) years of experience in instruction
 8 of students with hearing **impairment** disabilities.

9 (3) Have a master's degree or a higher degree.

10 (4) Meet the qualifications for an Indiana teacher's certificate in
 11 the area of hearing **impairment** disabilities.

12 ~~(5) Have a superintendent's license or obtain a superintendent's~~
 13 ~~license within two (2) years of appointment by the board.~~

14 **(5) Have at least five (5) years experience supervising other**
 15 **people.**

16 SECTION 32. IC 20-16-2-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The
 18 ~~superintendent~~, **executive**, subject to the approval of the board and
 19 IC 20-16-4, has complete responsibility for management of the school.

20 (b) The ~~superintendent~~ **executive** has responsibility for the
 21 following:

22 (1) Direction of the education, care, safety, and well-being of all
 23 students in attendance.

24 (2) Evaluation and improvement of the school staff, educational
 25 programs, and support services.

26 (3) Implementation and administration of the policies, mission,
 27 and goals of the school as established by the board.

28 (4) Serving as the purchasing agent for the school as provided in
 29 IC 5-22-4-8.

30 (5) Implementation of budgetary matters as recommended by the
 31 board and the department of education under IC 20-16-3-10(7).

32 (6) Management of the school's outreach program with local
 33 public schools.

34 (7) Advocating on behalf of the school under guidelines
 35 established by the board.

36 (8) Executing contracts on behalf of the school.

37 (c) The ~~superintendent~~ **executive** is the appointing authority for all
 38 employees necessary to properly conduct and operate the school.

39 SECTION 33. IC 20-16-2-6 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

41 (1) the determination by case conference committee based on
 42 individualized education programs, as defined under IC 20-1-6-1;

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and

(2) the school's admission criteria adopted by the board under IC 20-16-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are hearing disabled school age individuals.

SECTION 34. IC 20-16-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 35. IC 20-16-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real and personal property that are made, given, or granted to or for the school.

SECTION 36. IC 20-16-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

(1) Establish policies and accountability measures for the school.

(2) Implement this article.

(3) Perform the duties required by IC 5-22-4-8.

(4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with hearing disabilities, including children with multiple disabilities, at the school.

(5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.

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(6) Determine the salary and benefits of the ~~superintendent~~
executive.

(7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 37. IC 20-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000:~~

~~(b) The superintendent executive~~ shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent executive~~ considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent executive~~ may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 38. IC 20-20-13-3, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in sections 13 through 24 of this chapter, "school corporation" includes, except as otherwise provided in this chapter, **the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** and the Indiana School for the Deaf established by IC 20-22-2-1. ~~and the Indiana School for the Blind established by IC 20-21-2-1.~~

SECTION 39. IC 20-20-13-19, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) The department shall list all school corporations in Indiana according to assessed valuation for property tax purposes per student in ADM, beginning with the school corporation having the lowest assessed valuation for property tax purposes per student in ADM. For purposes of the list made under this section, **the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** and the Indiana School for the Deaf established by

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IC 20-22-2-1 and the Indiana School for the Blind established by ~~IC 20-21-2-1~~ shall be considered to have the lowest assessed valuation for property tax purposes per student in ADM during the six (6) year period beginning July 1, 2001.

(b) The department must prepare a revised list under subsection (a) before a new series of grants may begin.

(c) The department shall determine those school corporations to be placed in a group to receive a grant in a fiscal year under sections 13 through 24 of this chapter as follows:

(1) Beginning with the school corporation that is first on the list developed under subsection (a), the department shall continue sequentially through the list and place school corporations that qualify for a grant under section 15 of this chapter in a group until the cumulative total ADM of all school corporations in the group depletes the money that is available for grants in the fiscal year.

(2) Each fiscal year the department shall develop a new group by continuing sequentially through the list beginning with the first qualifying school corporation on the list that was not placed in a group in the prior fiscal year.

(3) If the final group developed from the list contains substantially fewer students in ADM than available money, the department shall:

(A) prepare a revised list of school corporations under subsection (a); and

(B) place in the group qualifying school corporations from the top of the revised list.

(4) The department shall label the groups with sequential numbers beginning with "group one".

SECTION 40. IC 20-20-13-22, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) This section applies in a year when a school corporation receives a grant under sections 13 through 24 of this chapter. The school corporation's capital projects fund budget must include an expenditure for technology that is not less than the school corporation's average annual expenditure for technology from the capital projects fund in the six (6) budget years preceding the year of the grant. **If the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1 or the Indiana School for the Deaf established by IC 20-22-2-1 or the Indiana School for the Blind established by ~~IC 20-21-2-1~~** receives a grant under sections 13 through 24 of this chapter, the school's expenditures for technology in the year of the grant must exceed the school's average annual expenditure for

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technology in the six (6) budget years preceding the year of the grant.

(b) For each year that a school corporation fails to observe subsection (a), the school corporation forfeits a grant under sections 13 through 24 of this chapter. The forfeit of the grant must occur in the first grant year after the school corporation fails to observe subsection (a).

SECTION 41. IC 20-20-13-24, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. A school corporation that receives a grant under sections 13 through 24 of this chapter shall deposit the grant in the school technology fund established under IC 21-2-18. If **the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** or the Indiana School for the Deaf established by IC 20-22-2-1 ~~or the Indiana School for the Blind established by IC 20-21-2-1~~ receives a grant under sections 13 through 24 of this chapter, the school shall deposit the grant in an account or fund that the school uses exclusively for the funding of technology.

SECTION 42. IC 20-21-1-2, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. "Board" refers to the Indiana School for the Blind **and Visually Impaired** board established by IC 20-21-3-1.

SECTION 43. IC 20-21-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-21-2-4.**

SECTION 44. IC 20-21-1-5, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1.

SECTION 45. IC 20-21-2-1, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** is established as a state educational resource center that includes the following:

- (1) A residential and day school.
- (2) Outreach services.
- (3) Consultative services to local educational agencies to assist the agencies in meeting the needs of locally enrolled students with visual disabilities.

SECTION 46. IC 20-21-2-4, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~;

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chief executive officer, subject to the approval of the governor. The ~~superintendent executive~~ serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent executive~~ appointee must have the following qualifications:

(1) Be an educator with knowledge, skill, and ability in the appointee's profession.

(2) Have at least five (5) years experience in instruction of ~~visually disabled~~ students **with visual impairment disabilities**.

(3) Have a master's degree or a higher degree.

(4) Meet the qualifications for an Indiana teacher's certificate in the area of visual **impairment** disabilities.

~~(5) Have a superintendent's license or obtain a superintendent's license not more than two (2) years after appointment by the board.~~

(5) Have at least five (5) years experience supervising other individuals.

SECTION 47. IC 20-21-2-5, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The ~~superintendent executive~~ has responsibility for the following:

(1) Direction of the education, care, safety, and well-being of all students in attendance.

(2) Evaluation and improvement of the school staff, educational programs, and support services.

(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.

(4) Serving as the purchasing agent for the school under IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-21-3-10(b).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent executive~~ is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 48. IC 20-21-2-6, AS ADDED BY HEA 1288-2005,



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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

- (1) the determination by case conference committees based on individualized education programs; and
- (2) the school's admissions criteria adopted by the board under IC 20-21-3-10(a)(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 49. IC 20-21-2-7, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

- (1) The board.
- (2) The office of the secretary of family and social services.
- (3) The state superintendent.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

- (1) Applications to the school denied through the process described in section 6 of this chapter.
- (2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 50. IC 20-21-2-13, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

SECTION 51. IC 20-21-3-1, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** board is established.

SECTION 52. IC 20-21-3-10, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of visually disabled children, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~, **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 53. IC 20-21-4-2, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 54. IC 20-22-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-22-2-4.**

SECTION 55. IC 20-22-2-4, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~, **chief executive officer**, subject to the approval of the governor. The ~~superintendent~~ **executive** serves at the pleasure of the board and may

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1 be removed for cause.

2 (b) The ~~superintendent~~ **executive** appointee must have the following
3 qualifications:

4 (1) Be an educator with knowledge, skill, and ability in the
5 appointee's profession.

6 (2) Have at least five (5) years experience in instruction of

7 ~~hearing disabled~~ students **with hearing impairment disabilities**.

8 (3) Have a master's degree or a higher degree.

9 (4) Meet the qualifications for an Indiana teacher's certificate in
10 the area of hearing **impairment** disabilities.

11 ~~(5) Have a superintendent's license or obtain a superintendent's~~
12 ~~license not more than two (2) years after appointment by the~~
13 ~~board.~~

14 **(5) Have at least five (5) years experience supervising other**
15 **individuals.**

16 SECTION 56. IC 20-22-2-5, AS ADDED BY HEA 1288-2005,
17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to
19 the approval of the board and IC 20-21-4, has complete responsibility
20 for management of the school.

21 (b) The ~~superintendent~~ **executive** has responsibility for the
22 following:

23 (1) Direction of the education, care, safety, and well-being of all
24 students in attendance.

25 (2) Evaluation and improvement of the school staff, educational
26 programs, and support services.

27 (3) Implementation and administration of the policies, mission,
28 and goals of the school as established by the board.

29 (4) Serving as the purchasing agent for the school under
30 IC 5-22-4-8.

31 (5) Implementation of budgetary matters as recommended by the
32 board and the department of education under IC 20-22-3-10(b).

33 (6) Management of the school's outreach program with local
34 public schools.

35 (7) Advocating on behalf of the school under guidelines
36 established by the board.

37 (8) Executing contracts on behalf of the school.

38 (c) The ~~superintendent~~ **executive** is the appointing authority for all
39 employees necessary to properly conduct and operate the school.

40 SECTION 57. IC 20-22-2-6, AS ADDED BY HEA 1288-2005,
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2005]: Sec. 6. Subject to:

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(1) the determination by case conference committees based on individualized education programs; and

(2) the school's admissions criteria adopted by the board under IC 20-22-3-10(a)(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are hearing disabled school age individuals.

SECTION 58. IC 20-22-2-7, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The state superintendent.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 59. IC 20-22-2-13, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

SECTION 60. IC 20-22-3-10, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

(1) Establish policies and accountability measures for the school.

(2) Implement this article.

(3) Perform the duties required by IC 5-22-4-8.

(4) Adopt rules under IC 4-22-2 to establish criteria for the admission of hearing disabled children, including children with

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multiple disabilities, at the school.

(5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.

(6) Determine the salary and benefits of the ~~superintendent~~, **executive**.

(7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 61. IC 20-22-4-2, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 62. IC 20-27-3-1, AS ADDED BY HEA 1288-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

(1) The state superintendent or the state superintendent's authorized representative, who serves as chairperson of the committee.

(2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.

(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the governor's council on impaired and dangerous driving.

(5) A school bus driver appointed by the state superintendent upon the recommendation of the Indiana State Association of

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School Bus Drivers, Inc.

(6) A superintendent of a school corporation appointed by the state superintendent upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation appointed by the state superintendent upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind **and Visually Impaired** or the Indiana School for the Deaf appointed by the state superintendent.

(9) A member of the School Transportation Association of Indiana appointed by the state superintendent upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

SECTION 63. IC 20-33-3-33, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 33. The employment of children by the:

(1) Indiana School for the Deaf; and

(2) Indiana School for the Blind **and Visually Impaired**; is subject to the general restrictions imposed on child labor under this chapter.

SECTION 64. IC 20-35-2-1, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind **and Visually Impaired**, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and

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the division of mental health and addiction.

(B) Coordinate the work of schools described in clause (A).

For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the state board, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established by IC 12-17-15-7 to ensure that the preschool special education programs required IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-17-15.

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(c) The director or the state board may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 65. IC 20-35-3-1, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

- (1) citizens of Indiana;
- (2) representative of the state's population; and
- (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities.

Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:
 - (A) The commissioner of the state department of health or the commissioner's designee.
 - (B) The director of the division of disability, aging, and rehabilitative services or the director's designee.
 - (C) The director of the division of mental health and addiction or the director's designee.
 - (D) The director of the division of family and children or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.

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(10) Representatives of the department of correction.

(11) A representative from each of the following:

(A) The Indiana School for the Blind **and Visually Impaired** board.

(B) The Indiana School for the Deaf board.

(d) The responsibilities of the state advisory council are as follows:

(1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.

(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.

(3) To advise the department of unmet needs within Indiana in the education of children with disabilities.

(4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.

(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:

(1) Organize with a chairperson selected by the state superintendent.

(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

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SECTION 66. IC 20-35-4-10, AS ADDED BY HEA 1288-2005,
SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2005]: Sec. 10. (a) For purposes of this section,
"comprehensive plan" means a plan for educating the following:

(1) All children with disabilities that a school corporation is
required to educate under sections 8 through 9 of this chapter.

(2) The additional children with disabilities that the school
corporation elects to educate.

(b) For purposes of this section, "school corporation" includes the
following:

(1) The Indiana School for the Blind **and Visually Impaired**
board.

(2) The Indiana School for the Deaf board.

(c) The state board shall adopt rules under IC 4-22-2 detailing the
contents of the comprehensive plan. Each school corporation shall
complete and submit to the state superintendent a comprehensive plan.
School corporations operating cooperative or joint special education
services may submit a single comprehensive plan. In addition, if a
school corporation enters into a contractual agreement as permitted
under section 9 of this chapter, the school corporation shall collaborate
with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in IC 20-35-1-1, the state
board may:

(1) conduct a program for the early identification of children with
disabilities, between the ages of birth and less than twenty-two

(22) years of age not served by the public schools or through a
contractual agreement under section 9 of this chapter; and

(2) use agencies that serve children with disabilities other than the
public schools.

(e) The state board shall adopt rules under IC 4-22-2 requiring the:

(1) department of correction;

(2) state department of health;

(3) division of disability, aging, and rehabilitative services;

(4) Indiana School for the Blind **and Visually Impaired** board;

(5) Indiana School for the Deaf board; and

(6) division of mental health and addiction;

to submit to the state superintendent a plan for the provision of special
education for children in programs administered by each respective
agency who are entitled to a special education.

(f) The state superintendent shall furnish professional consultant
services to school corporations and the entities listed in subsection (e)
to aid them in fulfilling the requirements of this section.

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SECTION 67. IC 20-35-8-2, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

- (1) The student's first entrance and final departure each school year.
- (2) Round trip transportation each school holiday period.
- (3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-33-6-1 through IC 20-33-6-4 shall pay the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

- (1) The quotient of:
 - (A) the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends; divided by
 - (B) the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).
- (2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) If a student receives a special education:

- (1) in a facility operated by:
 - (A) the state department of health;
 - (B) the division of disability, aging, and rehabilitative services;
 or
 - (C) the division of mental health and addiction;
- (2) at the Indiana School for the Blind **and Visually Impaired**;
- or
- (3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall

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1 pay the cost of transportation required by the student's individualized
 2 education program. However, if the student's legal settlement cannot
 3 be ascertained, the state board shall pay the cost of transportation
 4 required by the student's individualized education program.

5 (d) If a student is placed in a private facility under IC 20-35-6-2 in
 6 order to receive a special education because the student's school
 7 corporation cannot provide an appropriate special education program,
 8 the school corporation in which the student has legal settlement shall
 9 pay the cost of transportation required by the student's individualized
 10 education program. However, if the student's legal settlement cannot
 11 be ascertained, the state board shall pay the cost of transportation
 12 required by the student's individualized education program.

13 SECTION 68. THE FOLLOWING ARE REPEALED [EFFECTIVE
 14 JULY 1, 2005]: IC 20-15-1-7; IC 20-16-1-7; IC 20-21-1-7;
 15 IC 20-22-1-7.

16 SECTION 69. [EFFECTIVE JULY 1, 2005] (a) **The person**
 17 **honored as poet laureate of Indiana by the house of representatives**
 18 **in House Resolution 73-2002 is entitled to serve as the initial poet**
 19 **laureate of Indiana under IC 1-2-12, as added by this act, until**
 20 **December 31, 2005.**

21 (b) **This SECTION expires January 1, 2006.**

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SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 433.

LUBBERS

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 433, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "One (1) member of the faculty from each of the following" and insert "**Seven (7) members who represent state supported and private institutions of higher education.**".

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 4.

Page 2, line 6, delete "listed in" and insert "**selected under**".

Page 2, line 27, delete "in at least twenty-three (23) different" and insert ".".

Page 2, delete lines 28 through 31.

Page 2, line 32, delete "(3)" and insert "**(2)**".

Page 2, line 34, delete "(4)" and insert "**(3)**".

Page 2, line 35, delete "in an enthusiastic and respectful" and insert ".".

Page 2, delete line 36.

and when so amended that said bill do pass.

(Reference is to SB 433 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 433, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, after "members" insert **"selected by the commission"**.

Page 2, line 19, after "schools," insert **"including the Indiana School for the Blind and Visually Impaired and the Indiana School for the Deaf,"**.

Page 2, line 34, delete ",".

Page 2, between lines 38 and 39, begin a new paragraph and insert: "SECTION 1. IC 4-10-15-2, AS AMENDED BY HEA 1288-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The warrants may be drawn for the necessary and current expenses of the following:

- (1) All psychiatric hospitals (as defined in IC 12-7-2-184).
- (2) The Indiana School for the Deaf, established by IC 20-22-2-1.
- (3) The Indiana School for the Blind **and Visually Impaired**, established by IC 20-21-2-1.
- (4) The Indiana Veterans' Home.
- (5) The Plainfield Juvenile Correctional Facility.

SECTION 2. IC 4-15-2-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, ~~Central State Hospital~~, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind **and Visually Impaired**, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's

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Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 3. IC 5-22-4-8, AS AMENDED BY HEA 1288-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) As used in this section, "board" refers to either of the following:

- (1) With respect to the Indiana School for the Blind **and Visually Impaired**, the board established by IC 20-21-3-1.
- (2) With respect to the Indiana School for the Deaf, the board established by IC 20-22-3-1.
- (b) As used in this section, "school" refers to either of the following:
 - (1) The Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1.
 - (2) The Indiana School for the Deaf established by IC 20-22-2-1.
- (c) As used in this section, "superintendent" refers to the **superintendent chief executive officer** of the school.
- (d) Except as provided in subsection (f), the school is the purchasing agency for the school.
- (e) Except as provided in subsection (f), the superintendent is the purchasing agent for the school for purchases with a value of not more than twenty-five thousand dollars (\$25,000).
- (f) ~~Not later than October 1, 1999;~~ The Indiana department of administration and the board shall develop and implement a written policy for purchases by the school with a value of more than twenty-five thousand dollars (\$25,000).

SECTION 4. IC 10-13-3-38.5, AS AMENDED BY HEA

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1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

(1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:

(A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;

(B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the standard for harmed or threatened with harm set forth in IC 12-10-3-2(a)(3);

(C) at a state institution managed by the office of the secretary of family and social services or state department of health;

(D) at the Indiana School for the Deaf established by IC 20-22-2-1;

(E) at the Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1;

(F) at a juvenile detention facility;

(G) with the gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under IC 28-11-2-3; or

(I) that has a job description that includes access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.

(2) Identification in a request related to an application for a teacher's license submitted to the professional standards board established by IC 20-28-2-1.

An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment or license application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for processing. The state personnel department or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

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(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 5. IC 12-12-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The office of the secretary shall, on the first business day of each month, send a copy of a report filed under section 1 of this chapter to the following persons:

(1) For persons less than seventeen (17) years of age, to the following:

(A) The Indiana School for the Blind **and Visually Impaired**.

(B) The division of disability, aging, and rehabilitative services.

(C) The division of special education of the department of education.

(2) For persons at least seventeen (17) years of age, to the following:

(A) The division of disability, aging, and rehabilitative services.

(B) On request, organizations serving the blind **or visually impaired** and the state department of health.

SECTION 6. IC 12-12-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) On receiving a report under this chapter, the division of disability, aging, and rehabilitative services shall provide information to the visually impaired individual designated in the report concerning available state and local services.

(b) For a visually impaired individual less than seventeen (17) years of age, the Indiana School for the Blind **and Visually Impaired**:

(1) has the primary duty of initially contacting the visually impaired individual or the individual's family; and

(2) shall notify the division of disability, aging, and rehabilitative services and the department of education of the school's findings.

SECTION 7. IC 12-12-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This chapter does not prohibit a physician or an optometrist from making a referral to a local school corporation, an agency, the Indiana School for the Blind **and Visually Impaired**, or an agency or organization working with the blind or visually impaired.

SECTION 8. IC 20-1-6-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) There is created

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under the Indiana state board of education a division of special education, which shall exercise all the power and duties set out in this chapter. The governor shall appoint, upon the recommendation of the state superintendent of public instruction, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be fixed by the budget agency with the approval of the governor. The duties of the director are as follows:

- (1) To have general supervision of all programs, classes, and schools, including those conducted by the public schools, the Indiana School for the Blind **and Visually Impaired**, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and addiction, for children with disabilities and to coordinate the work of these schools. In addition, relative to programs for preschool children with disabilities as required under section 14.1 of this chapter, the director has general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under section 14.1 of this chapter. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.
- (2) To adopt, with the approval of the Indiana state board of education, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.
- (3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.
- (4) With the consent of the state superintendent of public instruction and the budget agency, to appoint and fix salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.
- (5) To adopt, with the approval of the Indiana state board of education, the following:
 - (A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.
 - (B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification,

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evaluation, and placement process.

(6) To make recommendations to the Indiana state board of education concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established under IC 12-17-15 to ensure that the preschool special education programs required under section 14.1 of this chapter are consistent with the early intervention services program described in IC 12-17-15.

(b) The director or the Indiana state board of education may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 9. IC 20-1-6-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.1. (a) For the purposes of this section, "comprehensive plan" means a plan for educating all children with disabilities that a school corporation is required to educate under sections 14 through 14.1 of this chapter, and those additional children with disabilities that it elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind **and Visually Impaired** board.

(2) The Indiana School for the Deaf board.

(c) The Indiana state board of education shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent of public instruction a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 14.1 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in section 1 of this chapter, the Indiana state board of education may conduct a program

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for the early identification of children with disabilities, between the ages of birth and twenty-one (21), not served by the public schools or through a contractual agreement under section 14.1 of this chapter, and may utilize agencies that serve children with disabilities other than the public schools.

(e) The Indiana state board of education shall adopt rules under IC 4-22-2 requiring the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, the Indiana School for the Blind **and Visually Impaired** board, the Indiana School for the Deaf board, and the division of mental health and addiction to submit to the superintendent of public instruction a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The superintendent of public instruction shall furnish professional consultant services to the school corporations, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, the Indiana School for the Blind **and Visually Impaired** board, the Indiana School for the Deaf board, and the division of mental health and addiction to aid them in fulfilling the requirements of this section.

SECTION 10. IC 20-1-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The superintendent shall appoint a state advisory council on the education of children with disabilities whose duties shall consist of providing policy guidance concerning special education and related services for children with disabilities. The superintendent shall appoint at least seventeen (17) members who shall serve for a period of four (4) years. Vacancies shall be filled in like manner for the unexpired balance of the term.

(b) The members must be citizens of Indiana who are representative of the state's population and selected on the basis of their involvement in or concern with the education of children with disabilities. A majority of the members must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.

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- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:
 - (A) The commissioner of the state department of health or the commissioner's designee.
 - (B) The director of the division of disability, aging, and rehabilitative services or the director's designee.
 - (C) The director of the division of mental health and addiction or the director's designee.
 - (D) The director of the division of family and children or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative of each of the following:
 - (A) The Indiana School for the Blind **and Visually Impaired** board.
 - (B) The Indiana School for the Deaf board.
- (c) The responsibilities of the state advisory council are as follows:
 - (1) To advise the superintendent and the board regarding all rules pertaining to children with disabilities.
 - (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
 - (3) To advise the department of unmet needs within the state in the education of children with disabilities.
 - (4) To provide public comment on rules proposed by the board regarding the education of children with disabilities.
 - (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
 - (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
 - (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.
- (d) The council shall organize with a chairperson selected by the

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superintendent and meet as often as necessary to conduct the council's business at the call of the chairperson upon ten (10) days written notice but not less than four (4) times a year. Members of the council shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(e) The superintendent shall designate the director to act as executive secretary of the council and shall furnish all professional and clerical assistance necessary for the performance of its powers and duties.

(f) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

SECTION 11. IC 20-1-6-18.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.2. (a) The Indiana state board of education shall adopt rules under IC 4-22-2 which establish limitations on the amount of transportation which may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules shall limit the transportation required by the student's individualized education program to ~~his~~ **the student's** first entrance and final departure each school year plus round trip transportation each school holiday period and two (2) additional round trips each school year.

(b) Whenever a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

(1) The quotient of the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends divided by the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) Whenever a student receives a special education:

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- (1) in a facility operated by:
 - (A) the state department of health;
 - (B) the division of disability, aging, and rehabilitative services;
 - or
 - (C) the division of mental health and addiction;
- (2) at the Indiana School for the Blind **and Visually Impaired**;
- or
- (3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education program.

(d) Whenever a student is placed in a private facility under section 19 of this chapter in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education program.

SECTION 12. IC 20-8.1-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. The employment of children in the Indiana School for the Deaf and the Indiana School for the Blind **and Visually Impaired** is subject to the general restrictions imposed on child labor under this chapter.

SECTION 13. IC 20-9.1-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school bus committee is hereby created. The committee shall be composed of the following voting members:

- (1) The state superintendent of public instruction, or the superintendent's authorized representative, who shall serve as chairman of the committee.
- (2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.
- (3) The administrator of the motor carrier services division of the department of state revenue.
- (4) The director of the governor's council on impaired and dangerous driving.
- (5) A school bus driver, appointed by the state superintendent of

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public instruction upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation, appointed by the state superintendent of public instruction upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind **and Visually Impaired** or the Indiana School for the Deaf, appointed by the state superintendent of public instruction.

(9) A member of the School Transportation Association of Indiana, appointed by the state superintendent of public instruction upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent of public instruction shall designate a secretary from the department of education who shall keep the official record of the meetings and of official transactions of the committee.

SECTION 14. IC 20-10.1-25.3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. As used in this chapter, "school corporation" includes, except as otherwise provided in this chapter, the Indiana School for the Deaf established by IC 20-16 and the Indiana School for the Blind **and Visually Impaired** established by IC 20-15.

SECTION 15. IC 20-10.1-25.3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The department shall list all school corporations in Indiana according to assessed valuation for property tax purposes per student in ADM, beginning with the school corporation having the lowest assessed valuation for property tax purposes per student in ADM. For purposes of the list made under this section, the Indiana School for the Deaf and the Indiana School for the Blind **and Visually Impaired** shall be considered to have the lowest assessed valuation for property tax purposes per student in ADM during the six (6) year period beginning on July 1, 2001.

(b) The department must prepare a revised list under subsection (a) before a new series of grants may begin.

(c) The department shall determine those school corporations to be placed in a group to receive a grant in a fiscal year under this chapter as follows:

(1) Beginning with the school corporation that is first on the list

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developed under subsection (a), the department shall continue sequentially through the list and place school corporations that qualify for a grant under section 6 of this chapter in a group until the cumulative total ADM of all school corporations in the group depletes the money that is available for grants in the fiscal year.

(2) Each fiscal year the department shall develop a new group by continuing sequentially through the list beginning with the first qualifying school corporation on the list that was not placed in a group in the prior fiscal year.

(3) If the final group developed from the list contains substantially fewer students in ADM than available money, the department shall:

(A) prepare a revised list of school corporations under subsection (a); and

(B) place in the group qualifying school corporations from the top of the revised list.

(4) The department shall label the groups with sequential numbers beginning with "group one".

SECTION 16. IC 20-10.1-25.3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section applies in a year when a school corporation receives a grant under this chapter. The school corporation's capital projects fund budget must include an expenditure for technology that is not less than the school corporation's average annual expenditure for technology from the capital projects fund in the six (6) budget years preceding the year of the grant. If the Indiana School for the Deaf or the Indiana School for the Blind **and Visually Impaired** receives a grant under this chapter, the school's expenditures for technology in the year of the grant must exceed the school's average annual expenditure for technology in the six (6) budget years preceding the year of the grant.

(b) For each year that a school corporation fails to observe subsection (a), the school corporation forfeits a grant under this chapter. The forfeit of the grant shall occur in the first grant year after the school corporation fails to observe subsection (a).

SECTION 17. IC 20-10.1-25.3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. A school corporation that receives a grant under this chapter must deposit the grant in the school technology fund established under IC 21-2-18. If the Indiana School for the Deaf or the Indiana School for the Blind **and Visually Impaired** receives a grant under this chapter, the school must deposit the grant in an account or fund that the school uses exclusively for the funding of technology.

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SECTION 18. IC 20-15-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-15-2-4.**

SECTION 19. IC 20-15-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the Blind **and Visually Impaired** established by IC 20-15-2-1.

SECTION 20. IC 20-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** is established as a state educational resource center that includes the following:

- (1) A residential and day school.
- (2) Outreach services.
- (3) Consultative services to local educational agencies to assist them in meeting the needs of locally enrolled students with visual disabilities.

SECTION 21. IC 20-15-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~, **chief executive officer**, subject to the approval of the governor. The ~~superintendent~~ **executive** serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent~~ **executive** appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have a minimum of five (5) years of experience in instruction of students with visual **impairment** disabilities.
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of visual **impairment** disabilities.
- ~~(5) Have a superintendent's license or obtain a superintendent's license within two (2) years of appointment by the board.~~
- (5) Have at least five (5) years experience supervising other people.**

SECTION 22. IC 20-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-15-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all

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students in attendance.

(2) Evaluation and improvement of the school staff, educational programs, and support services.

(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.

(4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-15-3-10(7).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 23. IC 20-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs as defined under IC 20-1-6-1; and

(2) the school's admissions criteria adopted by the board under IC 20-15-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 24. IC 20-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and

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justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 25. IC 20-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

SECTION 26. IC 20-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** board is established.

SECTION 27. IC 20-15-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with visual disabilities, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~, **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 28. IC 20-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000.~~

~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill

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a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 29. IC 20-16-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-16-2-4.**

SECTION 30. IC 20-16-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~ **chief executive officer** subject to the approval of the governor. The ~~superintendent~~ **executive** serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent~~ **executive** appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have a minimum of five (5) years of experience in instruction of students with hearing **impairment** disabilities.
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of hearing **impairment** disabilities.
- (5) ~~Have a superintendent's license or obtain a superintendent's license within two (2) years of appointment by the board.~~
- (5) Have at least five (5) years experience supervising other people.**

SECTION 31. IC 20-16-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-16-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
- (4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.

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(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-16-3-10(7).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 32. IC 20-16-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committee based on individualized education programs, as defined under IC 20-1-6-1; and

(2) the school's admission criteria adopted by the board under IC 20-16-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are hearing disabled school age individuals.

SECTION 33. IC 20-16-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 34. IC 20-16-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises,

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and conveyances of real and personal property that are made, given, or granted to or for the school.

SECTION 35. IC 20-16-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with hearing disabilities, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~, **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 36. IC 20-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000.~~

~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 37. IC 20-20-13-3, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in sections 13 through 24 of this chapter, "school corporation" includes, except as otherwise provided

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in this chapter, **the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** and the Indiana School for the Deaf established by IC 20-22-2-1. ~~and the Indiana School for the Blind established by IC 20-21-2-1.~~

SECTION 38. IC 20-20-13-19, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) The department shall list all school corporations in Indiana according to assessed valuation for property tax purposes per student in ADM, beginning with the school corporation having the lowest assessed valuation for property tax purposes per student in ADM. For purposes of the list made under this section, **the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** and the Indiana School for the Deaf established by IC 20-22-2-1 ~~and the Indiana School for the Blind established by IC 20-21-2-1~~ shall be considered to have the lowest assessed valuation for property tax purposes per student in ADM during the six (6) year period beginning July 1, 2001.

(b) The department must prepare a revised list under subsection (a) before a new series of grants may begin.

(c) The department shall determine those school corporations to be placed in a group to receive a grant in a fiscal year under sections 13 through 24 of this chapter as follows:

- (1) Beginning with the school corporation that is first on the list developed under subsection (a), the department shall continue sequentially through the list and place school corporations that qualify for a grant under section 15 of this chapter in a group until the cumulative total ADM of all school corporations in the group depletes the money that is available for grants in the fiscal year.
- (2) Each fiscal year the department shall develop a new group by continuing sequentially through the list beginning with the first qualifying school corporation on the list that was not placed in a group in the prior fiscal year.
- (3) If the final group developed from the list contains substantially fewer students in ADM than available money, the department shall:
 - (A) prepare a revised list of school corporations under subsection (a); and
 - (B) place in the group qualifying school corporations from the top of the revised list.
- (4) The department shall label the groups with sequential numbers beginning with "group one".

SECTION 39. IC 20-20-13-22, AS ADDED BY HEA 1288-2005,

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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) This section applies in a year when a school corporation receives a grant under sections 13 through 24 of this chapter. The school corporation's capital projects fund budget must include an expenditure for technology that is not less than the school corporation's average annual expenditure for technology from the capital projects fund in the six (6) budget years preceding the year of the grant. If **the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** or the Indiana School for the Deaf established by IC 20-22-2-1 ~~or the Indiana School for the Blind established by IC 20-21-2-1~~ receives a grant under sections 13 through 24 of this chapter, the school's expenditures for technology in the year of the grant must exceed the school's average annual expenditure for technology in the six (6) budget years preceding the year of the grant.

(b) For each year that a school corporation fails to observe subsection (a), the school corporation forfeits a grant under sections 13 through 24 of this chapter. The forfeit of the grant must occur in the first grant year after the school corporation fails to observe subsection (a).

SECTION 40. IC 20-20-13-24, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. A school corporation that receives a grant under sections 13 through 24 of this chapter shall deposit the grant in the school technology fund established under IC 21-2-18. If **the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1** or the Indiana School for the Deaf established by IC 20-22-2-1 ~~or the Indiana School for the Blind established by IC 20-21-2-1~~ receives a grant under sections 13 through 24 of this chapter, the school shall deposit the grant in an account or fund that the school uses exclusively for the funding of technology.

SECTION 41. IC 20-21-1-2, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. "Board" refers to the Indiana School for the Blind **and Visually Impaired** board established by IC 20-21-3-1.

SECTION 42. IC 20-21-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. "Executive" refers to the **chief executive officer of the school appointed under IC 20-21-2-4.**

SECTION 43. IC 20-21-1-5, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the Blind **and Visually Impaired** established by IC 20-21-2-1.

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SECTION 44. IC 20-21-2-1, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** is established as a state educational resource center that includes the following:

- (1) A residential and day school.
- (2) Outreach services.
- (3) Consultative services to local educational agencies to assist the agencies in meeting the needs of locally enrolled students with visual disabilities.

SECTION 45. IC 20-21-2-4, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~, **chief executive officer**, subject to the approval of the governor. The ~~superintendent executive~~ serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent executive~~ appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have at least five (5) years experience in instruction of ~~visually disabled~~ students **with visual impairment disabilities**.
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of visual **impairment** disabilities.
- (5) ~~Have a superintendent's license or obtain a superintendent's license not more than two (2) years after appointment by the board.~~
- (5) Have at least five (5) years experience supervising other individuals.**

SECTION 46. IC 20-21-2-5, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The ~~superintendent executive~~ has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission,

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and goals of the school as established by the board.

(4) Serving as the purchasing agent for the school under IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-21-3-10(b).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 47. IC 20-21-2-6, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs; and

(2) the school's admissions criteria adopted by the board under IC 20-21-3-10(a)(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 48. IC 20-21-2-7, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The state superintendent.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

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SECTION 49. IC 20-21-2-13, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

SECTION 50. IC 20-21-3-1, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** board is established.

SECTION 51. IC 20-21-3-10, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of visually disabled children, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~ **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~ **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 52. IC 20-21-4-2, AS ADDED BY HEA 1288-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a

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list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 53. IC 20-22-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-22-2-4.**

SECTION 54. IC 20-22-2-4, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~; **chief executive officer**, subject to the approval of the governor. The ~~superintendent executive~~ serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent executive~~ appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have at least five (5) years experience in instruction of ~~hearing disabled~~ students **with hearing impairment disabilities.**
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of hearing **impairment** disabilities.
- (5) ~~Have a superintendent's license or obtain a superintendent's license not more than two (2) years after appointment by the board.~~
- (5) Have at least five (5) years experience supervising other individuals.**

SECTION 55. IC 20-22-2-5, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~; **executive**, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The ~~superintendent executive~~ has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
- (4) Serving as the purchasing agent for the school under

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IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-22-3-10(b).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 56. IC 20-22-2-6, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs; and

(2) the school's admissions criteria adopted by the board under IC 20-22-3-10(a)(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are hearing disabled school age individuals.

SECTION 57. IC 20-22-2-7, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The state superintendent.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 58. IC 20-22-2-13, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

SECTION 59. IC 20-22-3-10, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of hearing disabled children, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~ **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 60. IC 20-22-4-2, AS ADDED BY HEA 1288-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 61. IC 20-27-3-1, AS ADDED BY HEA 1288-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2005]: Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

- (1) The state superintendent or the state superintendent's authorized representative, who serves as chairperson of the committee.
- (2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.
- (3) The administrator of the motor carrier services division of the department of state revenue.
- (4) The director of the governor's council on impaired and dangerous driving.
- (5) A school bus driver appointed by the state superintendent upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.
- (6) A superintendent of a school corporation appointed by the state superintendent upon the recommendation of the Indiana Association of Public School Superintendents.
- (7) A member of the governing body of a school corporation appointed by the state superintendent upon the recommendation of the Indiana School Boards Association.
- (8) A representative of the Indiana School for the Blind **and Visually Impaired** or the Indiana School for the Deaf appointed by the state superintendent.
- (9) A member of the School Transportation Association of Indiana appointed by the state superintendent upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

SECTION 62. IC 20-33-3-33, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 33. The employment of children by the:

- (1) Indiana School for the Deaf; and
- (2) Indiana School for the Blind **and Visually Impaired;**

is subject to the general restrictions imposed on child labor under this chapter.

SECTION 63. IC 20-35-2-1, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through

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IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind **and Visually Impaired**, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and addiction.

(B) Coordinate the work of schools described in clause (A).

For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the state board, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning

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standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

- (A) The number of teacher aides recommended for each exceptionality included within the class size ranges.
- (B) The role of the teacher aide.
- (C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.
- (7) To cooperate with the interagency coordinating council established by IC 12-17-15-7 to ensure that the preschool special education programs required IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-17-15.

(c) The director or the state board may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 64. IC 20-35-3-1, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

- (1) citizens of Indiana;
- (2) representative of the state's population; and
- (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including

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the following:

- (A) The commissioner of the state department of health or the commissioner's designee.
- (B) The director of the division of disability, aging, and rehabilitative services or the director's designee.
- (C) The director of the division of mental health and addiction or the director's designee.
- (D) The director of the division of family and children or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative from each of the following:
 - (A) The Indiana School for the Blind **and Visually Impaired** board.
 - (B) The Indiana School for the Deaf board.
- (d) The responsibilities of the state advisory council are as follows:
 - (1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.
 - (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
 - (3) To advise the department of unmet needs within Indiana in the education of children with disabilities.
 - (4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.
 - (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
 - (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
 - (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.
- (e) The state advisory council shall do the following:
 - (1) Organize with a chairperson selected by the state superintendent.
 - (2) Meet as often as necessary to conduct the council's business

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at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 65. IC 20-35-4-10, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) For purposes of this section, "comprehensive plan" means a plan for educating the following:

(1) All children with disabilities that a school corporation is required to educate under sections 8 through 9 of this chapter.

(2) The additional children with disabilities that the school corporation elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind **and Visually Impaired** board.

(2) The Indiana School for the Deaf board.

(c) The state board shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 9 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in IC 20-35-1-1, the state board may:

(1) conduct a program for the early identification of children with disabilities, between the ages of birth and less than twenty-two (22) years of age not served by the public schools or through a contractual agreement under section 9 of this chapter; and

(2) use agencies that serve children with disabilities other than the public schools.

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(e) The state board shall adopt rules under IC 4-22-2 requiring the:

- (1) department of correction;
- (2) state department of health;
- (3) division of disability, aging, and rehabilitative services;
- (4) Indiana School for the Blind **and Visually Impaired** board;
- (5) Indiana School for the Deaf board; and
- (6) division of mental health and addiction;

to submit to the state superintendent a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The state superintendent shall furnish professional consultant services to school corporations and the entities listed in subsection (e) to aid them in fulfilling the requirements of this section.

SECTION 66. IC 20-35-8-2, AS ADDED BY HEA 1288-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

- (1) The student's first entrance and final departure each school year.
- (2) Round trip transportation each school holiday period.
- (3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-33-6-1 through IC 20-33-6-4 shall pay the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

- (1) The quotient of:
 - (A) the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends; divided by
 - (B) the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).
- (2) The amount of money that the transferee school is eligible to

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receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) If a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability, aging, and rehabilitative services;

or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind **and Visually Impaired**;

or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

(d) If a student is placed in a private facility under IC 20-35-6-2 in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

SECTION 67. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 20-15-1-7; IC 20-16-1-7; IC 20-21-1-7; IC 20-22-1-7."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 433 as printed February 4, 2005.)

BEHNING, Chair

Committee Vote: yeas 7, nays 0.

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